

Message Text

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TO AMEMBASSY TAIPEI

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TAGS: SHUM, TW

SUBJECT: QUESTIONS FROM CONGRESSMAN FRASER

THE FOLLOWING IS THE LIST OF QUESTIONS SUBMITTED BY CONGRESSMAN FRASER TO THE DEPARTMENT, CONCERNING THE HUMAN RIGHTS SITUATION ON TAIWAN IN PREPARATION FOR THE JUNE 14 HEARINGS:

1. MARTIAL LAW HAS EXISTED IN THE REPUBLIC OF CHINA SINCE IT WAS FOUNDED. WHAT WAS THE U.S. POSITION AT THE TIME IT WAS IMPOSED? DOES THE U.S. GOVERNMENT FEEL MARTIAL LAW IN TAIWAN IS REQUIRED TODAY? HAS THE USG EVER COMMUNICATED ITS POSITION ON THIS QUESTION OF MARTIAL LAW TO THE TAIWANESE GOVERNMENT?

2. STATUS OF HUMAN RIGHTS. MAY WE HAVE A LEGAL AND FACTUAL DESCRIPTION OF THE FOLLOWING AREAS RELATING TO HUMAN RIGHTS:

(A) THE NUMBER OF POLITICAL PRISONERS IN TAIWAN (BY THE UNCLASSIFIED

UNCLASSIFIED

PAGE 02 STATE 129431

TERM "POLITICAL PRISONERS" I MEAN PERSONS WHO HAVE BEEN DETAINED, ARRESTED OR PUNISHED FOR THEIR BELIEFS OR OPINIONS, BUT WHO HAVE NEITHER USED NOR ADVOCATED VIOLENCE). HOW MANY OF THE POLITICAL PRISONERS HAVE BEEN TRIED; HOW MANY CONVICTED; AND WHAT HAVE BEEN THEIR SENTENCES?
(B) THE LENGTH OF TIME POLITICAL PRISONERS HAVE BEEN DETAINED WITHOUT BEING CHARGED AND TRIED FOR OFFENSES;

THE ACCESS OF LAWYERS AND FAMILY TO POLITICAL PRISONERS
DURING THEIR PERIOD OF DETAINMENT;

(C) TO WHAT EXTENT HAVE POLITICAL PRISONERS EXPERIENCED
TORTURE OR OTHER FORMS OF MISTREATMENT? WHAT HAS THE
GOVERNMENT OF THE REPUBLIC OF CHINA (ROC) DONE TO PREVENT
THE PRACTICE OF TORTURE? HOW MANY PERSONS HAVE BEEN CON-
VICTED OF PRACTICING TORTURE?

(D) THE EXTENT TO WHICH DUE PROCESS PROCEDURES ARE BEING
FOLLOWED IN THE ARREST, DETENTION AND TRIAL OF POLITICAL
PRISONERS;

(E) FREEDOM OF OPINION AND EXPRESSION, INCLUDING FREEDOM
OF THE PRESS;

(F) THE RIGHTS OF TRADE UNIONS;

(G) FREEDOM OF PEACEFUL ASSEMBLY AND ASSOCIATION; INCLUDING
THE RIGHTS TO FORM POLITICAL PARTIES.

3. HAS THE USG MADE REPRESENTATIONS TO THE ROC CONCERNING
HUMAN RIGHTS QUESTIONS? WHAT HAS BEEN THE RESPONSE OF THE
ROC?

4. FOR THE RECORD, WHAT TYPE AND HOW MUCH MILITARY ASSIS-
TANCE HAS BEEN FURNISHED TO THE ROC IN FY 77 AND 78? BY
"MILITARY ASSISTANCE" I MEAN TO INCLUDE THE MILITARY
ASSISTANCE PROGRAM (MAP), FOREIGN MILITARY SALES CREDITS
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PAGE 03 STATE 129431

(FMS), EXCESS DEFENSE ARTICLES (EDA), SHIP TRANSFERS,
MILITARY ASSISTANCE IN THE FORM OF THE JOINT U.S. MILITARY
ADVISORY GROUP (JUS MAEF) AND OFFICER TRAINING. HOW DOES
THE DEPARTMENT APPLY SECTION 502B WITH RESPECT TO THE ROC?

5. THERE HAVE BEEN ALLEGATIONS OF ELECTION FRAUD BY THE
GOVERNMENT DURING THE ELECTIONS, PARTICULARLY THOSE THAT
TOOK PLACE IN DECEMBER 1975;

(A) REPORTEDLY, A NUMBER OF THE CANDIDATES INCLUDING
MR. KUO YU-HSIN AND MR. YEN MING-SHEN WERE RULED NOT
ELECTED DUE TO "INVALID" VOTES CAST. SOME CANDIDATES,
INCLUDING SOME OF THEIR AIDES WERE ARRESTED; SUCH IS
REPORTEDLY THE CASE OF THE CANDIDATE PAI YA-TSAN AND CON-
GRESSMAN YEN MING-SHEN AND HIS CAMPAIGN MANAGER
YANG CHIN-HAI;

(B) THERE ARE REPORTS THAT THE GOVERNMENT'S MAJOR WITNESS
AGAINST YEN AND YANG, CHEN MING-TSAI, SUBSEQUENTLY ESCAPED

TO OKINAWA AND STATED HE HAD BEEN TORTURED TO SIGN A FALSE
AFFIDAVIT AGAINST YEN AND YANG;

(C) WHAT INFORMATION DO YOU HAVE CONCERNING THESE EVENTS,
AND ANY OTHERS CONNECTED WITH THE ELECTION?

6. THERE ARE REPORTS THAT FORMER DEPUTY EDITOR OF THE NOW
DEFUNCT JOURNAL, THE "TAIWAN POLITICAL REVIEW", CHANG
CHING-TSE, AND WU MING-HUI, A COUNTRY COUNCILMAN FROM CEN-
TRAL TAIWAN WERE ARRESTED AND IMPRISONED. CHANG WAS
ALLEGEDLY CHARGED WITH A KICKBACK HE HAD RECEIVED THREE
YEARS EARLIER. WU WAS CHARGED WITH DEFYING THE GOVERN-
MENT'S OFFICIAL POLICY. DO YOU HAVE ANY INFORMATION CON-
CERNING THEIR ARREST AND IMPRISONMENT? CHRISTOPHER

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